

**FILED**PROB 12C  
(REV. 12/04)

OCT 17 2018

**UNITED STATES DISTRICT COURT**CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY RA DEPUTY CLERK

for

WESTERN DISTRICT OF TEXAS**Amended Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Lydia Joann Montelongo Case Number: SA-17-CR-0270 DAE

Name of Sentencing Judicial Officer: Honorable John D. Rainey, Senior United States District Judge  
04/24/17: Case assigned to Honorable David A. Ezra, Senior United  
States District Judge

Date of Original Sentence: May 19, 2014

Original Offense: Transportation of an Undocumented Alien, in violation of 8 U.S.C. §§ 1324(a)(1)(A)(ii)  
and 1324(a)(1)(B)(ii)

Original Sentence: Thirty-seven (37) months imprisonment; three (3) years supervised release; and a \$100  
special assessment

Type of Supervision: Supervised Release Date Supervision Commenced: November 3, 2017

Assistant U.S. Attorney: Elsa Salinas Defense Attorney: Kristen Langford

**PREVIOUS COURT ACTION**

On April 7, 2017, a Transfer of Jurisdiction from the Southern District of Texas, Corpus Christi Division, Dkt. No. 2:14CR00062-001, to the Western District of Texas, San Antonio Division was approved by the Court.

On April 20, 2017, a Petition for Warrant of Summons for Offender Under Supervision, a Probation Form 12C, was submitted to the Court based on the offender's new Driving While Intoxicated arrest and continued illegal drug use. The Court ordered the issuance of a warrant on April 24, 2017.

On July 21, 2017, the offender's term of supervised release was revoked. The Court sentenced the offender to six month imprisonment, to be followed by a twenty-four (24) month term of supervised release. Supervised release recommenced on November 3, 2017.

On January 9, 2018, a Petition for Warrant or Summons for Offender Under Supervision, a Probation Form 12C, was submitted to the Court based on being unsuccessfully removed from the RRC due to testing positive for the consumption of alcohol. The Court issued a warrant on January 19, 2018. This petition is being amended to include new violations.

**PETITIONING THE COURT**

The probation officer believes that the offender has violated the following condition(s) of supervision:

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<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	<b>The defendant shall not commit another federal, state, or local crime.</b>
2.	<b>The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.</b>
3.	<b>The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.</b>  <p>On July 3, 2018, Lydia Joann Montelongo was arrested for Possession of a Controlled Substance PG1 Less Than 1 Gram, by the Bexar County Sheriff's Office (2018-BCSO-026408). According to the offense report, the deputy was dispatched to a location for suspicious vehicle. The deputy made contact with Ms. Montelongo and asked for her identification. The deputy observed Ms. Montelongo intentionally drop a clear plastic baggie by her feet as she provided her identification. When Ms. Montelongo was instructed to step away from the baggie, Ms. Montelongo placed an item into her pocket. The deputy field tested the substance in the clear plastic baggie and the results were positive for methamphetamine.</p> <p>On September 25, 2018, under cause number 2018-CR-9458, the 226<sup>th</sup> Bexar County District Court sentenced Ms. Montelongo to six months confinement.</p>
4.	<b>Shall not use or possess alcohol.</b>
5.	<b>Reside in residential reentry center for the first 180 days and follow the rules and regulations of the center.</b>

On January 5, 2018, the offender was unsuccessfully removed from the Residential Reentry Center subsequent to testing positive for the use of alcohol on January 4, 2018.

**U.S. Probation Officer Recommendation:** The offender has a criminal history category of VI with prior convictions for Driving While Intoxicated, Illegal Transportation of Aliens (4), Possession with Intent to Deliver a Controlled Substance, and Theft of Property \$50-\$500. On September 30, 2016, the offender originally began her term of supervised release. On July 21, 2017, the offender's term of supervised release was revoked. The Court sentenced the offender to six month imprisonment, to be followed by a twenty-four (24) month term of supervised release, one hundred eighty (180) days Residential Reentry Center, cognitive behavioral treatment, mental health treatment, substance abuse treatment, substance abuse testing, and alcohol abstinence. She recommenced supervised release on November 3, 2017.

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On November 3, 2017, the offender was admitted into the Residential Reentry Center (RRC). According to the RRC staff, on December 11, 2017, the offender was found to be in possession of a second cell phone which was not authorized by the RRC. On December 14, 2017, the RRC verified a complaint received that Montelongo made multiple unwelcomed phone calls to the mother of a former resident, which is a violation of the rules and regulations of the RRC. On the evening of January 4, 2018, the offender returned from work to the RRC and a sobriety test was administered. The offender's initial breath test result was 0.120. A second breath test was administered and the result was 0.115. For these reasons, the offender was terminated unsuccessfully from the RRC program on January 5, 2018. On the same date, the offender contacted the probation office to report her termination from the RRC program.

She denied the use of alcohol and attributed the positive tests to taking over the counter medication. The offender completed 63 days of the 180 days placement at the RRC as ordered by the Court.

On July 3, 2018, Lydia Joann Montelongo was arrested for Possession of a Controlled Substance Less Than 1 Gram, by the Bexar County Sheriff's Office (2018-BCSO-026408). According to the offense report, the deputy was dispatched to a location for suspicious vehicle. The deputy made contact with Ms. Montelongo and asked for her identification. The deputy observed Ms. Montelongo intentionally drop a clear plastic baggie by her feet as she provided her identification. When Ms. Montelongo was instructed to step away from the baggie, Ms. Montelongo placed an item into her pocket. The deputy field tested the substance in the clear plastic baggie and the results were positive for methamphetamine.

On September 25, 2018, under cause number 2018-CR-9458, the 226<sup>th</sup> Bexar County District Court sentenced Ms. Montelongo to six months confinement.

Efforts made by the probation office to provide the offender the opportunity to comply with conditions of her supervised release have been extended with no positive results. The offender has continued to show a blatant disregard for the conditions of the Court. The probation office respectfully recommends the offender's term of supervised release be revoked.

☒ The term of supervision should be

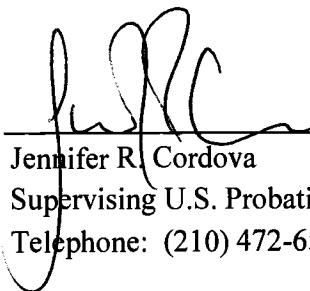
☒ revoked. (Maximum penalty: 2 years imprisonment; 30 months supervised release; and payment of any unsatisfied monetary sanction previously imposed)

☐ extended for    years, for a total term of    years.


☐ The conditions of supervision should be modified as follows:

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Approved:

  
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Jennifer R. Cordova  
Supervising U.S. Probation Officer  
Telephone: (210) 472-6590, Ext. 5365

Respectfully submitted,

  
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Monica Rodriguez  
U.S. Probation Officer  
Telephone: (210) 472-6590, Ext. 5341  
Date: October 15, 2018

cc: Mark T. Roomberg  
Assistant U.S. Attorney

Marc S. Martinez  
Assistant Deputy Chief U.S. Probation Officer

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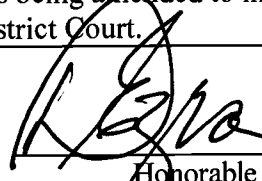
THE COURT ORDERS:

☐ No action.

~~Warrant~~ ☒ The issuance of a warrant.

☐ The issuance of a summons.

☒ Other Warrant previously issued on January 19, 2018. This petition is being amended to include the disposition of cause number 2018-CR-9458, in the 226<sup>th</sup> Bexar County District Court.

  
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Honorable David A. Ezra  
Senior U.S. District Judge

Oct. 17, 2018  
\_\_\_\_\_  
Date